

FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA

**FILED**

DEC - 3 2008

TERESA L. DENVER, CLERK  
U.S. District Court  
Southern District of West Virginia

LOUIS MARCH  
Petitioner,

v.

CASE NO 5:08-1382

MS MILAND DTS officer )  
MR SIMPSON DTS officer )  
MR LIPPS Counselor "A11" )  
inc officer of F.C.I )  
Beckley Respondent(s)

~~THE~~ MOTION FOR EMERGENCY INJUNCTION  
AND CIVIL SUIT PURSUANT TO  
42 U.S.C. § 1983

COMES NOW Petitioner, filing pro se, and  
A federal prisoner Motioning this Honorable  
Court for Emergency INjunction and  
Civil Suit pursuant to 42 U.S.C.  
§ 1983 due to the actions of Above  
Named Respondents, that violate  
Eighth Amendment of the UNITED  
STATES Constitution for a Cruel  
And Unusual Punishment, This  
Statement is supported by  
the forgoing facts stated here in.

## LIBERAL PLEADINGS AND CONSTRUANCE DOCTRINE

As a pro se pleader, Petitioner invoke the full benefits and protections of the liberal pleadings and construance doctrine as established in Haines v. Kerner, 404 U.S. 519 (1972); Bong v. Mac Donald (pro se pleadings are not to be held to the same standards as attorneys; pro se pleadings are to be liberally ~~be~~ construed and treated; leave to amend shall be freely and liberally given to a pro se pleader); Hill v. United States, 368 U.S. 424 (1987) (pro se pleadings are not subject to dismissal on mere technicality; pro se pleadings must be construed liberally under whatever law rule, or practice is appropriate and which would provide pleader with the proper avenue for relief; courts are not bound by coaching of a pro se prisoner's pleadings, and must construe them to the best of the pro se pleader.)

## STATEMENT OF THE CASE

ON OCT 28-OR at approximately 6:00pm i was in popular A-L sitting down watching TV when Dr. Henry approach me telling me i got a staff consultation for getting fired from the Lt Office a month or more ago. The day he tryed to give me the consultation was on wedes the 27 of Oct. I told him there was nothing that said i was fired no shot nothing. And i told him if i had gotten fired how did i start a mother 7 day job on the yard after that. So he said he was going to check with Mr. Alexander and get back with me that was on the same day the 27 of Oct.

The next day about 11:30 to 12:30 on the 30 Mr. Japp  
approach me in front of pop-a-lower and told me to  
put my hands on the wall which should be on the  
compound camera then he started feeling my front  
pockets then my back pockets then he went inside my  
front pockets and took my store list out and two  
football tickets. So if you would check the  
compound camera to verify my story.

He then took the list and tickets one of the  
residents told me he gave it to Mr Simpson  
and Mr Miland which was true then the both  
of them started calling the ~~pe~~ people who was  
on the list one by one the first one was Mr Cindelo  
he told me they was taking his job the next one  
who came to me was Mr Nelson, Mr Nelson got in my  
face and told me they took his certificate and was going  
to put him out he told me if that happen he was  
going to fuck me up he is due to go ~~to~~ to the  
half way house in jan or this took place in the  
unit on the 30 and the 31 of oct between 11:00 am  
and 1:00 pm this is on the unit cameras. That night  
i saw Lt Rutledge at dinner and told him  
what they did the counselor at the drug  
program he then ask me will i be Ok i  
said i think so.

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The next day was Friday 31 Oct, I came from out ~~the~~ side Mr Hoover D.T.S Counselor call me to the back room in the room was D.T.S Mr Miland D.T.S Mr Simpson and Dr Murry they ask me about the store list, I told them it was mine and the tickets after that Dr Murry told me being that I refuse to sign the staff consultation which he lied I did not refuse this was ~~pay back~~ <sup>retaliation</sup> for telling the true about my job. So being that Mr Hipp ~~the~~ went in my pocket and found those paper I could not be rehabilitated and this is coming from the people who suppose to be helping me with there kind of problems. So they put me out of the program with out following there own rules in trying to help people with problems. After that Dr Murry put me out of the office about ten minutes later I look by Mr Simpson and Mr Miland office it was a crowd down there come to find out they put the store list up and the football tickets up if you check the write camera it will verify what I'm saying this Statement.

After that I went and told Dr Murry he come out I said to him this how this program works. You put my health and life in danger After that he went and took the papers down then I ~~was~~ ~~with~~ went to see

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After that an inmate told me i was being call  
back to the unit i went back to the  
unit i was told by the officer they  
wanted me out of the unit right now  
that was there words he said the officer  
name is farro So i packed up and move  
to pine st which was about 2:30 pm to  
3:30 pm but as i was leaving i saw the  
D.T.s Simpson and Miland talking to inmate  
brown. That Sunday Nov 2 Mr Brown  
approach me in the rec yard and started  
maltreating me. And now because of the  
staff i cant go back on the compound  
there shipping me out. ~~And on Nov 30 at 11:00 am~~  
~~there was a riot that took place and i was in the S.H.O~~

### CONCLUSION

Petitioner's Constitutional Right of not to be  
subject to cruel and unusual punishment have  
been violated due to the overt maltreatment  
performed by Warden Miland and Mr Simpson,  
due to putting my life in danger and  
harm way, in that Petitioner did have  
to defend himself from an inmate.

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 that is nearly twice his size, and Petitioner is going to have to stay in Protected Custody in the Special Housing Unit due to the above noted officers.

Also, due to Mr. Lippert violating a prisoner's right to be subjected only to pat searches, and not to be subject to being felt on the buttox or inner thigh during searches performed by staff at a prison, this is a form of sexual assault.

Thus, as stated in Hutto v. Finney, 437 U.S. 678, 57 L.E.D. 2d 522, 98 S.Ct. 2565 (1978), *reh' den*, 439 U.S. 1122, 57 L.E.D. 2d —, 79 S.Ct. 1035, Eighth Amendment's ban on inflicting cruel and unusual punishment, "[E] proscribes more than physically barbarous punishment, it prohibits penalties that are grossly disproportionate to offense, as well as those that transgress today's broad and idealistic concepts of dignity, civilized standards, and decency," the above named officers have in fact visited such cruel and unusual punishment upon Petitioner.

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RELIEF REQUESTED

Petitioner respectfully asks this Honorable Court to hold Mr. Lipps, Mr. Simpson and MS Miland in their personal capacity for the sum of \$50,000, each. Due to their ~~past~~ overt actions that violate Petitioner's Constitutional right not to be subjected to cruel and unusual punishment,

Also, Petition hereby would like to make formal Criminal Complaints under Title 18 U.S.C.A. § 242,

EMERGENCY INJUNCTION

Petitioner would like to respectfully request this Honorable Court to set an Emergency Injunction for the securing of the video footage on the following dates and times, due to the video will show the actions Petitioner is accusing the above noted officers of. Further, this is the only evidence, and Petitioner submitted requests for the S.I.S officers to secure, but no response has been given that the video footage was secured and the video is erased sixty (60) days, time frame.

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### Times and Dates

- ON Oct 30 approximately between 11:30 am and 12:30 PM Mr Lipps approach me in front of pop-n-l and started feeling my legs and pockets and reach inside my pocket and took the store list out;
- ON Oct 31, 08 approximately between 11:30 am and 12:30 pm Mr Simpson and Dts Miland took the store list to their office and put it up in the window. The camera will show the inmates running to the office to look.
- On Oct 31 approximately between 2:00 pm and 3:30 pm this time will show that Dts Miland and Mr Simpson knowingly put my health and life in danger by putting that store list up.
- ON Oct 31 approximately between 11:00 am and 12:30 pm will show on camera Mr Lipps doing the same thing to inmate Brown who two days later assaulted in retaliation.
- ON the week of NOV 2, 08 i ask per westcot for a 2x form he told me he did not have any again i ask Mr Swan the same week and told to get it from per westcot the following weekend i ask again and was denied again. I then went to receive my shot from the Day Unit manager and he told me i had to wait until after i see the D.H.O. THAN i saw per westcot on NOV 31 at 11:46 am and he refuse me again and Refus me legal cypys.



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Times and Dates I was denied Remedy

I requested \$ $\frac{1}{2}$  from Mr Snow the week of the 2 of Nov He told me to get it from Mr Westcott; ask Mr Westcott that same week on that Saturday He said he did not have any; I kept on asking for the \$ $\frac{1}{2}$  but still no \$ $\frac{1}{2}$  and on 11-14-08 when I was being served with my shot by Mr Snow and Mr Ray I was told by Mr Ray that I don't need to file a \$ $\frac{1}{2}$  until after my hearing which would be to late, AND on Nov 30 11:46 am I ask Mr Westcott for a \$ $\frac{1}{2}$  again he told me He did not have any and Refus me legal copies.

EXHAUSTION OF ADMINISTRATIVE REMEDIES~~Exhaustion~~

Petitioner did attempt on several occasions to request the Informal "Revolution" document, which is the primary step for the Bureau of prisons Administrative Remedy Process, but such request went unanswered or denied. Thus, giving Petitioner no remedy to file, because no remedy was available, due to the actions of the officers, described above the Administrative Remedy creates no civil relief for a monetary claim, as well as relief for violations of

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a prisoner Constitutional Rights.

Thereby, Petitioner respectfully  
ask's this Honorable Court to waive  
the requirement for Exhaustion due  
to the facts that the Bureau's  
Administrative Process is  
inadequate for the issues of this  
instance, and cannot grant  
the relief that a civil court can.

Respectfully Submitted on this  
the 22 of November 2008

Louis A March

LOUIS MARCH #28533-050  
Federal Correctional Inst  
Beckley. P.O BOX 350  
Beaver W.V. 25813

Volunteer Legal Assistant

adam nicholas: casey  
Reg. No. 11762-084  
FCI-Beckley

of  
TRUTH

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On Oct 29-08 at approximately 6:00pm I was in poplar A-L sitting down watching TV when Dr. Murray approach me telling me I got a staff consultation for getting fired from the LA office a month or more ago. Then he tried to give me the consultation was wed the 29 of Oct. I told him I was not fired and he said I was like he was looking for a reason to put me out the program. I told him that there nothing on paper that said I was fired no shot nothing. And I ~~then~~ said to him if I had gotten fired how did I start a another day job on the yard After that. So he said he was going to check with Mr Alexander and get back with me that was on the 29 of Oct.

The next day about 11:30 am to 12:30 Mr. Hippel approach me in front of pop-A-L and told me to put my hands ~~on~~ on the wall which I did this should be on the compound camera facing pop-A-L then he started feeling my front pockets then he started feeling on back pockets and buttova then he went inside my front pocket and took my store list out and two football tickets, So if you would check the compound to verify my story. He then took the list and tickets one of the residents told me he gave it to Mr. Michael and Mr. Simpson which was true then the both of them started calling the residents who was on the list one by one.

the first one was ~~me~~ Mr Nelson he had graduated on Nov 24 and due to leave in Jan 09 to the half way house. after he came out the office he told me they took his certifiact got in my face which is on the unite camera and told me if they take his half way house he was going to fuck me up that day was one of two days which was the 30 of oct and the 31 of oct during the late morning afternoon hours between 11 am to 12:30 pm. The staff did not say anything to being it was ~~me~~ mine they let for the day. That night i saw L.I Ruthledge at dinner and told him what they did the staff he ask me will i be ok i said i think so.

The ~~next~~ next day was Friday 31 Oct i came from out side about 12:00 noon Mr Hoover call me to the back room in the room was Dr Murry Mrs Miland Mr Simpson and Mr Hoover they ask me about the store list I told them it was mine and the tickets after that Dr Murry told me being that i refuse to sign the staff consultation which I did not and being that Mr Lippas took those papers out my pockets they could not rehabilitate so they was putting me out. His words was i refuse to sign that paper which i did not if you look at the document you will see it says I will check with Mrs Alexander to verify then if i was wrong then i would sign. Bot Dr Murry lied and said i refuse, ~~at~~

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After that Dr Murry put me out about 10 minutes later, I look by Mr. Miland and Simpson office and it was a crowd of inmates down their come to find out they put the store list up and the football tickets up if you check the unite camera on the 31 of Oct time 11:30 am to about 1:45 pm it will verify what im saying to be a true statement. After that, ~~he~~ went and told Dr Murry you can see this on the camera he came out I told Dr Murry is this how this program works you put my health and life in danger. After that he went in there office and they took it down. After that they call me out I went about a half hour later one of the inmates told me they wanted me back on the unite. When, got there the officer Farrow told me they wanted me off the unite right now not later those was his words. Which was about 2:30 pm on Oct 31 I was move to pine-N-L. After that a mother inmate they had in the office was Mr Brown. On Nov 2, 08 I was on the yard and Mr Brown and some of his friends approach me I don't know what they said to him in the office but he told me he was getting put out because of me that when he assaulted me by punching me in the face.

I, LOUIS A MARCH  
~~Attest and affirm that the afore~~  
~~mentioned is true correct, and~~  
~~complete to the best of my~~  
~~knowledge, information, and belief,~~  
~~Thus, I set my hand: Executed on 11-7-08~~  
~~A.D. Louis March - LOUIS A MARCH~~

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I, LOUIS A MARCH  
After and affirm that the AFORE  
Mentioned is TRUE, Correct, And  
Complete to the best of my  
knowledge, ~~and~~ Information, and  
belief, Thus, I set my hand:

Executed ON: 11, 7, 08 A.D.

Louis A March  
Louis A March

# EXHIBITS

- Here are ~~the~~ the report that  
went un-answered by S.I.S Staff  
here at Beckely F.C.I.

Inmate Request to Staff

Date 11-7-08

Staff member

Mr Bodway head of S.T.S

Inmate name  
Louis March

Reg. no  
28533-050

Location  
SHU "A-12"

I request that the camera on the  
yard that capture the front of pop  
A-H on Oct 30 at approximately 11:30  
thru 12:30 that will show i was sexually  
assaulted by Mr Lipp.

Thank you for your prompt attention  
to this important matter. I will be expecting a response from  
you A.S.A.P. Louis March



Inmate Request to Staff

Staff Member Date 11-2-08

Mr Bodway Head S.I.S

Inmate Name

Louis A March

Req. NO 28533-050

Location

S.H.U "A-12"

I request that the camera on the Out P.A.L. on Fri Oct 31 between 11:00 am when the staff took the store list put it up in the office of Mr. M. Land as signed the time was about 11 to about 12<sup>PM</sup> Oct 31. I need that camera secure.

Thank You for your prompt attention to this important matter. I will be expecting a response from you A.S.H.P.

Thank You

Louis A March

Inmate Request to Staff

11-27-08

Staff Member

Mr Bodway Head of S.I.S

Inmate Name

Louis March

Reg NO 28533-050

Location SHU "A-12"

I request that the camera on the yard on Oct 31 between 2:00 and 3:30 be secured this time will show that the staff did not willingly put my health and life at risk when ~~they~~ Mr Simpson and Mr McLand put my store list up knowing it could have gotten me hurt or killed So to protect themselves they move me off the unit. Ap AL to pine A-L

Thank You for your prompt attention to this important matter. I will be expecting a response from you A.S. ap

Thank You

Louis A March

Inmate Request to Staff

Staff Member

Mr Bodway Head of S.I.S

Inmate Name

Louis A March

Reg NO 28533-050

Location

SHU "A-12"

On the above date 11-31-08 time 11:00 am to 12:30 pm  
i would like the camera on pop A-12 front entrance  
secured to show Mr Lippert above his Authority  
by feel on inmate legs in reaching inside ~~the~~  
"Mr Brown" pocket.

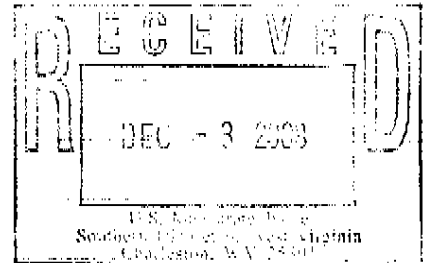
Thank You for your prompt attention  
to this important matter. I will be  
expecting a response from you A.S.A.P

Thank You  
Louis A March

LEONARD MARCH  
Reg. NO. 28533-050  
F.C.I. Beckley  
P.O. Box 350  
Beaver, W.V. 25813

11-30-08

Mary E. Stanley,

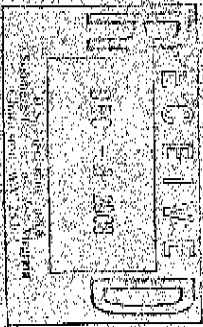


I am sending this to you because i have no other address for the courts plus its within your jurisdiction. I am also requesting that, if you could, make copies and send me a copy. Due to i have no access to a copier and the staff is being difficult with copying anything, as well as, this complaint is in regards to staff here at Beckley F.C.I.

Thank You for your time and prompt attention to this very important matter.

Leonard March

Louis March  
Reg. No. 28533-050  
Federal Correctional Institution-Beeley  
P.O. Box 350  
Beaver, W.V. 25813



7007 3020 0001 5361 9248

Mary E. Stanley Magistrate Judge  
Robert C. Byrd U.S. Courthouse  
300 Virginia Street, E.  
Charleston, W.V. 25301

